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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,316	12/17/2003	Seong-Ho Kim	5649-1172	7927
7590 06/20/2005			EXAMINER	
Robert M. Meeks			NGUYEN, TUAN H	
Myers Bigel Sibley & Sajovec Post Office Box 37428			ART UNIT	PAPER NUMBER
Raleigh, NC			2813	-
			DATE MAILED: 06/20/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)	ч			
Office		10/738,316	KIM ET AL.				
	Office Action Summary	Examiner	Art Unit	_			
		Tuan H. Nguyen	2813				
Period f	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the	correspondence address				
THE - External control	MAILING DATE OF THIS COMMUNICATION.  Insions of time may be available under the provisions of 37 CFR 1.1  SIX (6) MONTHS from the mailing date of this communication.  In period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period of the torus of the period of the	36(a). In no event, however, may a reply be ti y within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS fron b, cause the application to become ABANDONI	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).				
Status							
1)	Responsive to communication(s) filed on 22 D	ecember 2004.					
·	<u> </u>	action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
5) [ 6) [ 7) [	Claim(s) 1-39 is/are pending in the application 4a) Of the above claim(s) is/are withdray Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-39 are subject to restriction and/or	wn from consideration.					
Applicat	ion Papers						
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examine	epted or b) objected to by the drawing(s) be held in abeyance. Se tion is required if the drawing(s) is ol	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).				
,		variance. Proto the attached Office	o / total of form 1 10 102.				
12) [] a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document  2. Certified copies of the priority document  3. Copies of the certified copies of the priority document application from the International Bureausee the attached detailed Office action for a list	s have been received. Is have been received in Applications Inity documents have been received (PCT Rule 17.2(a)).	tion No red in this National Stage				
Attachmer	nt(s)						
2)  Noti	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail D 5) Notice of Informal 6) Other:					

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1-17, 28-39 drawn to a semiconductor device, classified in class257, subclass 288+.

II. Claims 18-27 drawn to Method of manufacturing a semiconductor device, classified in class 438, subclass 197.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the Group I invention does not necessarily imply unpatentability of the Group II invention, since the device of the Group I invention could be made by processes materially different than that of the Group II invention, for example the opening through sacrificial layer and the insulation layer could be formed after forming the recess in the active region first with a separated mask.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is 703-308-2550. The examiner can normally be reached on 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on 703-308-4940. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

The proceeding to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Tuan H. Nguyen Primary Examiner Art Unit 2813